

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

AFFINITY LABS OF TEXAS, LLC,)	
)	
Plaintiff,)	NO: WA:13-CV-364
)	
v.)	JURY TRIAL DEMANDED
)	
SAMSUNG ELECTRONICS CO., LTD.,)	
et al.,)	
)	
Defendants.)	

**AFFINITY LABS’ MOTION FOR EXPEDITED CONSIDERATION OF ITS
MOTION TO RECONSIDER TRANSFER OF VENUE TO THE
NORTHERN DISTRICT OF CALIFORNIA (Dkt. No. 72)**

Affinity Labs of Texas, LLC (“Affinity Labs”) hereby brings this motion for expedited consideration of its Motion to Reconsider Transfer of Venue to the Northern District of California (Dkt. No. 72). Affinity Labs submits that expedited consideration is imperative in order to avoid an overall result that compounds error, in light of the role the Eastern District of Texas’s transfer of a case on related patents to the Northern District of California played in this Court’s decision to transfer. (Dkt. No. 72 at 19-20). Expedited consideration is further warranted to prevent any undue burden on the transferee Court, given the Eastern District of Texas’s Transfer Order only recently became effective.¹

As explained further in Affinity Labs’ motion, the case transferred by Judge Clark to the Northern District of California has not progressed. There, aside from a case management conference held over five months ago, the litigation has been dormant while awaiting transfer from the Eastern District of Texas. To date, the Northern District of

¹ See *Affinity Labs v. Samsung Electronics Co Ltd. et al.* (13-cv-364) (Dkt. No. 187).

California has not construed any term of the '641 patent-in-suit, or any term in *any* related patents. It has not even scheduled a *Markman* hearing. Indeed, only Judge Clark—in the Eastern District of Texas—has ever construed patents in this family. And no court has construed the newly issued patents in this family that relate to wireless (Bluetooth) streaming between a smartphone and an automobile infotainment system. These newly issued, wireless patents include the patent-in-suit in this case and the two patents-in-suit in seven cases against automobile manufacturers, which are proceeding to trial in this District in early 2014.

Given these circumstances, Affinity Labs respectfully requests that this Court retain its cases against Samsung. Judicial economy would be served because then one Court—the Western District of Texas—would construe the disputed claim terms in Affinity Labs' wireless patents, asserted against both smartphone and automobile manufacturers.

Accordingly, Affinity Labs respectfully requests expedited consideration of its Motion to Reconsider Transfer of Venue to the Northern District of California (Dkt. No. 72). Affinity Labs requests that this Court order Defendants to respond to Affinity Labs' Emergency Motion by the end of the day on Monday, June 23, 2014. Affinity Labs also requests that this Court schedule a hearing on Affinity Labs' Emergency Motion for Thursday, June 26, 2014.

Dated: June 18, 2014

Respectfully submitted,

By: /s/ David G. Henry, Sr.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document (Affinity Labs' Motion for Expedited Consideration of Its Motion to Reconsider Transfer of Venue to the Northern District of California (Dkt. No. 72)) to be served on all counsel of record via the Court's CM/ECF system on June 18, 2014.

/s/ David G. Henry, Sr.
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